

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER JOHN WILSON,

Plaintiff,

v.

OFFICER SHARPS, et al.,

Defendants.

No. 1:21-cv-01651-ADA-CDB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN DEFENDANTS

(ECF No. 25)

Plaintiff Christopher John Wilson is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 30, 2023, the Magistrate Judge screened the complaint, finding that it stated cognizable claims for excessive force in violation of the Eighth Amendment against Defendants Sharps and Ward. (ECF No. 19.) The Magistrate Judge also found that the complaint failed to state claims against Defendants Warden of North Kern State Prison, North Kern State Prison, and the California Department of Corrections and Rehabilitation. (*Id.*) Plaintiff subsequently filed a first amended complaint agreeing to dismiss these Defendants. (ECF No. 20 at 5.) On July 26, 2023, the Magistrate Judge issued findings and recommendations, recommending dismissal of the Defendants. (ECF No. 25.) The findings and recommendations contained notice that Plaintiff had fourteen days within which to file objections. (*Id.* at 2.) That deadline has passed, and

Plaintiff has not filed objections.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court concludes that the findings and recommendations are supported by the record and proper analysis.

Accordingly,

1. The findings and recommendations issued on July 26, 2023, (ECF No. 25), are adopted in full;
2. This action shall proceed on Plaintiff's claims of excessive force in violation of the Eighth Amendment against Defendants Sharps and Ward;
3. Defendants Warden of North Kern State Prison, North Kern State Prison, and the California Department of Corrections and Rehabilitation are dismissed as parties; and
4. This matter is referred back to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Dated: August 28, 2023


UNITED STATES DISTRICT JUDGE